The Hon'ble Sri Justice Bilal Nazki

WPMP.No.4999 of 2006 in W.P.No.10110 of 1999
and Writ Petition Nos.7670 & 7798 of 2000

Common Order: ***(Per Hon'ble Sri Justice Bilal Nazki)***

This matter has a long history.

The Writ Petition being W.P.No.10110 of 1999 was filed in the year 1999 seeking quashing of the order dated 13-04-1999 passed by the appellate Authority for Industrial and Financial Reconstruction in Appeal No.144 of 1998. This writ petition was allowed by this Court on 03-08-1999. Thereafter, a review petition being WPMP.No.2590 of 2006 came to be filed. By the time the review petition came up for hearing, it was disclosed that the order passed by this Court in W.P.No.10110 of 1999 had already been carried and the appropriate authority had heard the matter on merits and passed an order. Therefore, the review was dismissed by this Court by order dated 28-01-2006. While disposing of W.P.No.10110 of 1999, this Court had remanded the matter to the concerned authority for decision on merits. The appellate Authority for Industrial and Financial Reconstruction i.e., the first respondent in W.P.No.10110 of 1999 reconsidered the matter and remanded the same to BIFR. This decision has been challenged by way of

Writ Petition Nos. 7670 and 7798 of 2000 by the petitioner and the 8th respondent in W.P.No.10110 of 1999. In the meantime, an application being WPMP.No.4999 of 2006 also came to be filed by the

8th respondent in W.P.No.10110 of 1999 seeking to list W.P.Nos.7670 and 7798 of 2000 under the caption 'for being mentioned'.

I have heard the learned Counsel for the parties.

The matter is pending in Courts for a long time and no party would be prejudiced if BIFR considers the matter again and passes appropriate orders. No purpose would be served by going into the validity and legality of the order passed by the appellate Authority for Industrial and Financial Reconstruction because, ultimately, the scheme, if any, would have to be formulated by the BIFR.

Therefore, without commenting on the legality or otherwise of the order passed by the appellate Authority for Industrial and Financial Reconstruction, the Writ Petition Nos.7670 and 7798 of 2000 and WPMP.No.4999 of 2006 in W.P.No.10110 of 1999 are disposed of with a direction to the BIFR to hear the parties and try to dispose of the matter expeditiously, preferably, within a period of six months from the date of receipt of a copy of this order. No costs.

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(***Bilal***

Nazki, J)

23rd February, 2007

Note:

1.Furnish CC in three days.

2.Order be communicated

to the authorities concerned.

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